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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/796.616

Filing Date

03/09/2004

First Named Inventor

John Allan Grinstead

Art Unit

3677

Examiner Name

Jack W. Lavinder

Attorney Docket Number

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Remarks

Response to a first Office Action

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Printed name

John Allan Grinstead

Date

10/28/05

Reg. No.

CERTIFICATE OF TRANSMISSION/MAILING

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Response to a first Office Action

Application SN 10/ 796,616

This communication is a response to a first non-final Office Action having a mailing date of 09/21/2005 and setting forth a shortened statutory period for response of three months which would expire on 12/21/2005.

In response to the above noted Office Action the applicant will follow the sequential paragraph Nos. used by the examiner.

1 and 2) Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Brannen Pat No. 971,519. (not listed on the form 892).

The device of Brannen is directed to a hair holder and not an arm band. The examiner states that "Brannen" discloses an arm band" (a hair holder) "comprising a rigid plate (12, 13)". This is not so. Brannen, in lines 49 - 53 explicitly states that the device consists essentially in a flexible strip designated by the numeral 5 (not 12, 13, they are the lateral teeth). Brannen continues: The strip may be of any desired material such as metal, celluloid, rubber or other material possessing a high degree of flexibility. Applicant is claiming an arm band comprising a rigid plate. The examiner continues to state that "the ornamentation is the surface itself (smooth surface)" Applicant is claiming an ornamentation on the surface. The examiner continues to state that "a springy band (5) is rigidly attached to the plate (Fig. 2) at one end and a U-shaped link (8 - 11) at the other end of the band to engage the lateral recess". The answer to this statement is that the springy band 5 is the hair band itself and is attached to what plate? Brannen discloses that the strip is bent laterally adjacent one end, line 70, whereby a lug is provided somewhat greater in length than the thickness of the strip. Brannen continues that the lug is provided with a medially disposed longitudinal recess, whereby jaws 8 and 9 are formed. this is not at all what applicant is claiming.